LIST OF CORRECTIONS

TO

THE STANDING ORDERS OF THE BOARD OF REVENUE

(LAND REVENUE, SETTLEMENT AND MISCELLANEOUS).

1900 EDITION.

For the last quarter of 1905.

[PRICE, 2 *annas* 6 *pies.*] [3 *pence.*]

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1900 EDITION.

For the last quarter of 1905.

Page 5—S.O. No. 3, paragraph 1 (i):

Insert the following as "Note" after the sub-paragraph :—

"*Note.*—Whenever land is acquired for a railway, the points at which the boundaries of the land acquired cut those of survey fields or sub-divisions must be demarcated with stones, in the absence of specific orders to the contrary. This should be done by a staff of surveyors working under the orders of the officer appointed to acquire the land, and the cost of demarcation should be debited to the same head of account as the cost of acquisition."

B.P., No. 304, 4-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 25—S.O. No. 15, paragraph 2:

(1) *Omit* the words "for cultivation" in the first line.

(2) *Add* the following after the word "objectionable" in the second line :—

"and their assignment, contrary to the provisions of the special rules which apply to them, or by officers not authorized to assign them, is *ab initio* invalid."

B.P., No. 308, 7-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 26—S.O. No. 15, paragraph 2 (iii) and (iv):

Paragraph 2 (iii) [*as amended by correction slip No.* 10 *of* 1901].—*Omit* the words "acres" in line 3, and *for* the words "the District Forest-officer . . . . . entertained" *substitute* "the sanction of the District Forest-officer must be obtained before the land can be granted on patt"a.

Insert the following as clause (iv) and *renumber* the succeeding clauses as clauses (v) to (xv) :—

"(iv) Lands within port limits must not be assigned without the previous consent of the Presidency Port Officer."

B.P., No. 308, 7-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 26—S.O. No. 15, paragraph 2 (vii) and (viii):

Paragraph 2 (vii) [*renumbered as* (viii)].—*For* the word "should" where it occurs in lines 2 and 4, *substitute* "must".

Paragraph 2 (viii) [*renumbered as* (ix)].—*Substitute* the word "must" *for* the word "should" in the two places in which it occurs in line 2.

B.P., No. 308, 7-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 27—S.O. No. 15, paragraph 2, clause (xii) (as amended by Slip No. 22 of 1902):

Add the following:—

"Land included in the blocks of surveyed and assessed land round the villages of the Kodaikánal taluk, outside the Kodaikánal settlement, will, however, be dealt with under the darkhast rules. Applications will be disposed of by the Collector, who is empowered to assign to an individual applicant not more than 20 acres. Applications for larger areas should be submitted for the orders of the Board."

G.O., No. 1078, 3-11-05.
B.P., No. 326, 22-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Pages 31-32—S.O. No. 15, paragraph 17:

Substitute the following *for* the last two sentences of the paragraph:—

"If he considers the grant of the land undesirable, he will reject the application; but, if in his opinion the land may be granted, he will make a reference to the Divisional-officer, who, if he agrees with the Tahsildar, and subject to the rules and conditions laid down in paragraph 2 above, will cause the proposal to transfer the land to "ayan" or "assessed" to be published in the village, in the manner prescribed in paragraph 5, and will then obtain the sanction of the Collector so to transfer it. If the Collector sanctions the transfer of the land to "ayan," an A memorandum will be submitted by the village officers, and the darkhast rules in section (i) will then apply."

B.P., No. 308, 7-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 39—S.O. No. 20, preamble (as amended by Slip No. 22 of 1902):

Add the following:—

"Land included in the blocks of surveyed and assessed land round the villages of the Kodaikánal taluk, outside the Kodaikánal settlement, will, however, be dealt with under the darkhast rules. Applications will be disposed of by the Collector, who is empowered to assign to an individual applicant not more than 20 acres. Applications for larger areas should be submitted for the orders of the Board."

G.O., No. 1078, 3-11-05.
B.P., No. 326, 22-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 43—S.O. No. 20, paragraph 15:

Add the following as note (4) to the paragraph:—

"*Note* (4).—In the Shevaroys, the assessment on land newly cultivated with rubber or tree cotton (including caravonica) will be remitted for three complete years: this concession will not be applicable to the case of a mixed crop, part of which is in bearing."

G.O., No. 983, 10-10-05.
B.P., No. 346, Sett., 22-10-05.
B.P., No. 7369, Mis., Sett., 18-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 200—Appendix to S.O. No. 50:

At the end of Rule XIII *insert* the following:—

"Every application for a loan, for which land ro other immoveable property is offered as security, shall contain a declaration signed by the applicant or his surety that the statements made therein regarding the nature and extent of the encumbrances on the property offered as security are true to the best of his information and belief, and that he believes that there are no other encumbrances on the property."

B.P., No. 342, Sett., 20-10-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 201—Appendix to S.O. No. 50:

For the penultimate sentence of Rule XVI as amended by slip No. 50 of 1904, *substitute* the following:—

"When land or other immoveable property is offered as collateral security under the Land Improvement Loans Act, or as security under the Agriculturists' Loans Act, it will be open to the Collector to make a reference to the Registration Department in form 7 hereto annexed or in some similar form for an encumbrance certificate in respect of the property offered as security, if, for reasons to be recorded in writing, he considers it necessary or desirable to do so. Otherwise and in all cases where the land to be improved is itself accepted as the security, no such reference need be made."

B.P., No. 342, Sett., 20-10-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 203—Appendix to S.O. No. 50:

(i) *In* the form of application for loans (No. 1), *insert* as column 15—numbering the present columns 15, 16 and 17 as 16, 17 and 18, respectively—

" Nature and extent of encumbrances on the immoveable property, if any, which is offered as collateral security."

(ii) *At* the foot of the form and before the notes, *insert* the following :—

" *Form of verification when land or other immoveable property is offered as collateral security.*"

I, the $\frac{\text{applicant}}{\text{surety}}$ for the above loan, do hereby solemnly declare that what is stated in the above application regarding the nature and extent of the encumbrances on the property offered as security is true to the best of my information and belief and that I believe that there are no other encumbrances on the property."

B.P., No. 342, Sett., 20-10-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 217—Appendix to S.O. No. 50:

For the first sentence of rule 9 of the Subsidiary Instructions *substitute* the following :—

" No reference should be made to the Registration Department for encumbrance certificates in the case of loans under the Land Improvement Loans Act where the land to be improved is itself accepted as sufficient security, the interests of Government being safeguarded by section 7 of the Act. Encumbrance certificates may, as a general rule, be also dispensed with, when land or other immoveable property is offered as collateral security under the Land Improvement Loans Act or as security under the Agriculturists' Loans Act, inasmuch as the applicant for the loan or his surety is required under rule XIII to make in his application a declaration that the statements contained therein as to the nature and extent of the encumbrances on the property offered as security are true to the best of his information and belief and that he believes that there are no other encumbrances on the property. The Collector should call for encumbrance certificates from the Sub-Registrar concerned only in special cases in which he deems it necessary to do so, and in such cases he should record in writing his reasons for so doing."

B.P., No. 342, Sett., 20-10-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 256—S.O. No. 73, paragraph 4:

Add the following as rule (6) :—

(6) [a] When an assignment of land revenue which is resumable on the expiry of a life or lives, or of any other period specified in the order making the grant, falls in, the power to renew it for a single life has been delegated to the local Government, the sanction of the Government of India being required only when the amount of the grant to be continued—

(*a*) exceeds one-half of the sum enjoyed by the last grantee, and is more than Rs. 50 per annum; or

(*b*) does not exceed one-half of the sum enjoyed by the last grantee, but is more than Rs. 1,000 per annum. [a]

[a] G.O., No. 1102, Rev., 9-11-05.
B.P., No. 299, 30-11-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 271—S.O. No. 86, paragraph 6:

Substitute the following *for* the second sentence :—

"The work will be carried out by the officers of the Revenue Department who, in the case of major irrigation works, will be placed in funds by the Public Works Department."

B.P., No. 375, Sett., 17-11-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 300—S.O. No. 90, paragraph 18:

Insert the following as "Note (2)" after the paragraph :—

Note (2).—Whenever land is acquired for a railway, the points at which the boundaries of the land acquired cut those of survey fields or sub-divisions must be demarcated with stones, in the absence of specific orders to the contrary. This should be done by a staff of surveyors working under the orders of the officer appointed to acquire the land, and the cost of demarcation should be debited to the same head of account as the cost of acquisition."

B.P., No. 304, 4-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 339—S.O. No. 98, paragraph 1:

(i) *Alter* the heading of the Standing Order as follows :—

" Conduct of Defence or Prosecution, on behalf of Public Officers in Criminal Courts."

(ii) Between the penultimate and last sentences of paragraph 1, *insert*—

"c The District Magistrate shall pay the vakil's fee (subject to future adjustment) when he is of opinion that the case is a fit and proper one to be defended by Government, and when the accused officer is unable to pay the fee in advance without hardship. Whenever a public servant desires legal assistance to conduct a prosecution, whether on his own behalf or on behalf of Government, he shall similarly apply to the District Magistrate, who will be guided by the same considerations as in the case of defending officers when prosecuted. Officers who engage pleaders without authority will do so at their own risk.

c G.O., No. 1899, Judl., 2-12-96 ; G.O., No. 1475, Judl., 14-9-05."

(iii) In the last sentence of paragraph 1, *for* " who are prosecuted criminally " *read* " have to defend themselves or to conduct a prosecution in a Criminal Court ".

(iv) To the authority quoted against foot-note (*b*), *add* G.O., No. 1475, Judl., 14-9-05.

B.P., No. 265, 20-10-05.

Page 346—Standing Order No. 102, clause (iv):

(*a*) *For* " *Daily Report* " in line 1, *read* " *Daily Reports* ".

(*b*) *For* the first sentence, *substitute* the following :—

" The reports referred to in clauses (i) and (ii) should, so long as the epidemic lasts, be continued as daily returns in the forms given in Appendix I-A and II."

(*c*) *Insert* the following as an authority below clause (iv) :—

* B.P., No. 365, Sett., 6-11-05.

Page 359 :

Insert the following as Appendix I-A between Appendices I and II :—

APPENDIX I-A.

Daily Report of Epidemic.

District
Taluk
Village

Survey number of the village
Population of the village
Name of Epidemic

Date of attack.	Person attacked.		On the date of the report.				Up to the date of the report.				Date of death.	Date of first death.	Remarks.
	Serial number.	Name.	Number of attacks.		Number of deaths.		Number of attacks.		Number of deaths.				
			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14

B.P., No. 365, Sett., 6-11-05.

Page 386—S.O. No. 127 (as revised by Slip No. 14 of 1905):

For paragraphs 1 and 2 *substitute* the following :—

127. Qualifications for appointment—*General Educational qualifications.*—The general educational qualifications required from candidates for entertainment in the public service are stated in the Public Service Notification published annually in the *Fort St. George Gazette.* Briefly they are that no person will be eligible for appointment to a superior post carrying a pay of Rs. 15 per mensem and upwards, unless he has passed the Madras Upper Secondary examination, or the Matriculation examination of the Madras University with the Handwriting Test, or some other examination accepted by Government as equivalent thereto. Persons not being natives of India, who have passed no public examination, must satisfy Government that they have attained a degree of education corresponding at least to the standard of the Upper Secondary or the Matriculation examination.

2. *Exceptions and concessions.*—The rules regarding the general educational tests will not be held applicable to the following among other appointments :—

(*a*) Appointments in the Agency tracts of Ganjám, Vizagapatam and Gódávari.

(*b*) Appointments of * copyists and type-writers † except the appointment of copyist and type-writer in Collectors' offices.

(*c*) Shroffs, clerk-shroffs and assistant shroffs.

(*d*) Village offices.

(*e*) Appointments in the Forest Department which are of a temporary character and carry pay which is chargeable to "Conservancy and works".

(*f*) Classifiers and head classifiers on the field establishments of Special Settlement Officers (subject, however, to the sanction of the Settlement Commissioner).

(*g*) Extra and temporary hands in the Settlement Department.

(*h*) Minor irrigation maistries (subject to preference being given to candidates who have passed certain examinations specified in the Public Service Notification).

(*i*) Lithographers, field surveyors and deputy surveyors, and temporary appointments in the Survey Department.

Public Service Notification at pages 564 to 571, Part I-B, *Fort St. George Gazette*, 26-9-05.

B.P., No. 253, 13-10-05.

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* In the case of the appointment of copyist in Divisional and Taluk offices, preference should be given to candidates who have qualified according to the general educational tests, and have passed the elementary examination in type-writing.

† Candidates for the post of type-writing clerk are only required to have passed the Government Technical Examination in type-writing. Those who have passed the Elementary examination will be granted a pay of Rs. 20—1—25, and those who have passed the Intermediate Rs. 25—1—35.

Page 386—S.O. No. 127, paragraph 2-A :

(1) To clause (i) *add*—

"and in sub. *pro tem.* vacancies and temporary posts without limit of time, but subject to the condition that the pay, inclusive of any local allowance, is not more than Rs. 20 per mensem."

(2) *Omit* clause (vi).

(3) *Insert* as note 1 (*a*) the following :—

"*Note* 1 (*a*).—Collectors and Divisional-officers are not competent to sanction the entertainment of unpassed men in sub. *pro tem.* vacancies and temporary posts."

(4) In note (4) *substitute* the word "acting" for "temporary".

Public Service Notification at pages 564 to 571, Part I-B, *Fort St. George Gazette*, 26-9-05 ; B.P., No. 253, 13-10-05.

[1900 Edn.] [4th quarter 1905— January 1906.]

Page 393—S.O. No. 130, paragraph 2 :

Add the following as note (5) :—

Note (5).—Government promissory-notes should not be accepted as security by Government officers unless they have been enfaced for payment of interest at the treasuries in which they are to be deposited.

G.O., No. 2028 W., 24-10-05.
B.P., No. 295, 27-11-05.

[1900 Edn.] [4th quarter 1905 --January 1906.]

Page 524—S.O. No. 164, paragraph 2 (as amended by Slip No. 32 of 1905) :

Insert the following as "Note" to the paragraph :—

"*Note.*—The expression 'Letters' in this paragraph includes such articles as copies of records, enclosures to petitions, superfluous copy stamp papers, renewed gun licenses and the like when sent by post."

B.P., No. 318, 16-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 558—S.O. No. 173, paragraph 11 :

For the word "bearing" occurring in line 9 *substitute* the words "service paid".

B.P., No. 318, 16-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Pages 572 to 574—Appendix IV to paragraph 4 of S.O. No. 163 :

(1) *Omit* the column headed " Malayalam ".

(2) *Insert* the following two new columns after the column headed " English " :—

Col. 5 Malayalam.	*Col.* 5*a* English.	*Col.* 5 Malayalam.	*Col.* 5*a* English.
അ	a	ഥ	th
ആ	á	ദ	d
ഇ	i	ധ	dh
ഈ	í	ന	n
ഉ	u	പ	p or b ‡
ഊ	ú	ഫ	ph
എ	e	ബ	b
ഏ	é	ഭ	bh
ഐ	ai	മ	m
ഒ	o	യ	y
ഓ	ó	ര	r
ഔ	au	റ	r
അം	am	ല	l
ക	k or g *	വ	v
ഖ	kh	ശ	s or sh
ഗ	g	ഷ	sh
ഘ	gh	സ	s
ങ	ng	ഹ	h
ച	ch	ള	l
ഛ	chh	ഴ	zh
ജ	j	ക്ഷ	ksh
ഝ	jh	ങ്ങ	ng
ഞ	ñ	ച്ച	cch
ട	d or t †	റ്റ	tt
ഠ	th	ശ്ശ	ssh
ഡ	d	മ്പ	mb
ഢ	dh	ണ്ട	nd
ണ	n	ങ്ക	ng or nk
ത	t or th †		

* (k always when initial or doubled). † (t always when initial or doubled).

‡ (p always when initial or doubled).

B.P., No. 322, 18-12-05.

Pages 674 and 675—Appendix XIV to S.O., No. 172, paragraph 11 :

Substitute the following *for* the Appendix :—

APPENDIX XIV.

Rules for the submission and receipt of Petitions and other Papers of the same class addressed to the Government of Fort St. George.

I. Persons having cause of complaint against any servant of Government, civil or military, shall, in the first instance, seek redress from the officer in whom the local authority is vested, who, if unable to grant the redress sought, shall pass an order in writing to that effect. If dissatisfied with this decision, the petitioner shall be at liberty to address the Board of Revenue or Court, or superior civil or military authority, by which the local authority is controlled; or he may address the Government, in cases wherein there is no intermediate authority.

II. The Government will not receive a petition on any matter, unless it shall appear that the petitioner has first applied to the local authority, and also to the Board of Revenue or other controlling authority, where such exists. The petitions addressed to such local and controlling authorities, or copies of them, and the answers or orders of those authorities respectively, if any shall have been passed, must be annexed to the petition addressed to Government.

III. In order to enable Government to maintain the foregoing rule, without injustice or hardship to complaining parties, all heads of offices will understand that a party affected by an order is entitled to have, on application, a copy of the order, which should contain full details of the grounds of the decision. This is to be furnished to him, on plain paper, and without payment.

IV. Government will receive petitions only from principals; addresses running in the name of a vakil or agent will receive no attention. Anonymous petitions will be totally disregarded.

V. (1) Every petition from an inhabitant of a Native State under the political control of the Madras Government must be submitted through the British Resident or Political Officer of the State in which the petitioner resides.

(2) The Resident or Political Officer will forward the petition to the Government of Madras, with such report on the case as may be necessary.

VI. Petitions from the Carnatic stipendiaries, or on the subject of Carnatic stipends, should be submitted through the Paymaster, Carnatic Stipends.

VII. Petitions from Political pensioners other than Carnatic stipendiaries, and from Kandyan pensioners, or on the subject of Political pensions other than Carnatic, should be submitted through the Government Agent or the Collector of the district in which the petitioners reside.

VIII. Every officer wishing to petition the Government should do so separately.

IX. No officer may submit a petition in respect of any matter connected with his official position, unless he has some personal interest in such matter.

X. Every petition must be submitted through the head of the office or department to which the petitioner belongs or belonged.

XI. The head of the office or department will at once forward the petition to the Government through the ordinary official channel, and may make such remarks, as he may consider necessary, in regard to the accuracy of the statements made and inferences drawn in the appeal petition; he will also forward such records, not submitted by the appellant, as should properly be consulted in order to the disposal of the appeal.

If the petition is an appeal against an order of dismissal from Government service, the papers submitted by the head of the office or department should show whether the charge against the petitioner was reduced to writing; whether his defence was taken and reduced to writing; and whether the decision was in writing. Where service or character books are maintained, these also should be submitted.

XII. As the Governor in Council never interferes with the distribution of subordinate appointments, applications for situations in the gift of heads of departments will remain unnoticed.

XIII. Petitions addressed to Government will be liable to summary rejection in the following cases:—

(1) When a petition is illegible or unintelligible.

(2) When a petition contains language which, in the opinion of Government, is disloyal, disrespectful, or improper.

(3) When a previous petition has been disposed of by the Madras Government, the Governor-General in Council, or the Secretary of State, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.

(4) When a petition is an application for pecuniary assistance by a person manifestly possessing no claim.

(5) When a petition is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government, or by persons engaging in any profession or employment.

Note.—Applications from unpassed candidates wishing to obtain appointments in the public service and praying for exemption from the examination rules must be made to the head of the department which they wish to enter.

(6) When a petition is an appeal from a judicial decision, with which the executive has no legal power of interference.

(7) When a petition is an appeal against a decision which by any law, or rule having the force of law, is declared to be final.

(8) When a petition is an appeal in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for appeal has been exceeded.

(9) When a petition is addressed by an officer still in the public service, and has reference to his prospective claim for pension, except as provided in article 915 of the Civil Service Regulations.

(10) When a petition is an appeal against the non-exercise by Government of a discretion vested in it by law or rule.

(11) When a petition is an appeal against the decision of a duly constituted Court of Law in a Native State in political relations with Government.

(12) When a petition is an appeal against any order prejudicially affecting a Government servant or an employé of a local authority who is in receipt of a salary not exceeding Rs. 50 a month, if an appeal against such order has already been decided by an officer superior to the officer passing the order.

Note.—Appeals against dismissal from Municipal servants whose appointments have to be approved by Government will be exempt from the operation of this rule.

(13) When a petition is an appeal against an order dispensing with the services of a temporary employé of the local Government in accordance with the terms of his agreement.

XIV. The foregoing rules apply also to petitions by persons no longer in military employ, who have served in the army or the Royal Indian Marine, or have been attached to regiments or batteries or the staff or departments of the army in any capacity.

Pages 1 and 2 of the Supplement to the *Fort St. George Gazette*, 27-6-05.
B.P., No. 272, 25-10-05.

Pages 676 to 678—Appendix XV to S.O. No. 172, paragraph 12:

Substitute the following *for* the Appendix :—

APPENDIX XX.

Rules regarding the Submission of Petitions to the Government of India.

Note.—(1) In these rules the words "Local Government" include a Local Administration, the Commander-in-Chief in India, and a Lieutenant-General Commanding the Forces, and also, except as regards petitioners under rule 11 (7) whose salary was more than Rs. 30 a month, the Head of a Department directly under the Government of India.

(2) These rules do not apply to non-pensionable subordinate, clerical and menial establishments employed in the construction and working of State Railways, to whom Circular No. VI-Railway, Public Works Department, dated 1st June 1888, applies.

(3) These rules apply, so far as may be, to all memorials, letters and applications, etc., addressed to the Governor-General in Council.

(4) These rules apply also to petitions by persons no longer in military employ who have served in the Army or the Royal Indian Marine, or have been attached to regiments or batteries or the staff or departments of the Army in any capacity.

SECTION I.

As to the submission of petitions to the Government of India by private persons or public bodies.

1. Every petition to the Government of India should be forwarded through the Local Government having jurisdiction in respect of the subject-matter of the petition. In cases where no Local Government is in a position to deal with the subject-matter of the petition, it should be forwarded through the Local Government within whose jurisdiction the petitioner is, or has last been residing or employed.

2. A petition may be either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the petitioner, or, when the petitioners are numerous, by the signatures of one or more of them, and it must conclude with a specific prayer.

3. Every petition should be accompanied by a letter addressed to the Local Government requesting its transmission to the Government of India, and, when any order of a Local Government is appealed against, by a copy of such order, as well as of any orders passed in the case by subordinate authorities.

4. Communications on matters connected with any Bills before the Council may be addressed either in the form of a petition to the Governor-General in Council, or in a letter to the Secretary in the Legislative Department, and must in either case be sent to the Secretary in the Legislative Department. Ordinarily such communications will not be answered. Except in the case of the High Court at Fort William, such communications from Courts, officials or public bodies, should be sent through the Local Government.

SECTION II.

As to the submission of petitions by officers in civil employ.

5. Every officer wishing to petition the Government of India should do so separately.

6. Every petition should be submitted through the head of the office or department to which the petitioner belongs, and should be forwarded by him through the usual official channel.

7. No officer may submit a petition in respect of any matter connected with his official position, unless he has some personal interest in the matter.

8. No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer still in the public service, unless it is submitted by the officer himself.

Section III.

As to the transmission or withholding of petitions by Local Governments.

9. Every petition to the Government of India should be forwarded by the Local Government concerned, with a concise statement of the material facts, and (unless there are special reasons for not doing so) an expression of opinion.

If the petition is an appeal against an order of dismissal from Government service, the papers submitted by the Local Government should show whether the charge against the petitioner was reduced to writing; whether his defence was taken and reduced to writing; and whether the decision was in writing. Where service or character books are maintained these also should be submitted.

10. When the petition is not in English, the Local Government should transmit a translation with it.

11. Local Governments are vested with discretionary power to withhold petitions addressed to the Government of India in the following cases :—

(1) When a petition is illegible or unintelligible.

(2) When a petition contains language which, in the opinion of the Local Government, is disloyal, disrespectful, or improper.

(3) When a previous petition has been disposed of by the Secretary of State for India or the Governor-General in Council, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.

(4) When a petition is an application for pecuniary assistance by a person manifestly possessing no claim.

(5) When a petition is an application for employment from a person not in the service of Government, or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government, or by persons engaging in any profession or employment.

(6) When a petition is an appeal from a judicial decision with which the executive has no legal power of interference.

Note.—(1) In the following cases, namely :—

(*a*) when a petition is an appeal from a judicial decision in a case in which the Government has reserved any discretion of interference, or

(*b*) when a petition is an appeal from a judicial decision in a suit to which the Government was a party, or

(*c*) when a petition is practically a prayer for mercy or pardon, or contains such a prayer,

the petition must be transmitted to the Government of India, unless it falls under clause (13) of this rule.

(2) When a petition of the kind referred to in clause (*c*) of Note 1 is addressed to the Government of India after a previous petition has been rejected by the Local Government, the petition must be transmitted, unless the case is one of which the Local Government is competent to dispose on its own responsibility under the orders contained in the Resolution of the Government of India in the Home Department, No. 20—1403-13, dated the 14th October 1885.

(7) When a petition is an appeal against an order of the Local Government upholding on appeal the dismissal, removal, reduction, or other punishment of a Government servant, or an employé of a local authority, whose salary was not more than Rs. 100 a month.

(8) When a petition is an appeal against a decision which by any law or rule having the force of law is declared to be final.

(9) When a petition is addressed by an officer still in the public service, and has reference to his prospective claim for pension, except as provided in article 915 of the Civil Service Regulations.

(10) When a petition is an appeal against the non-exercise by the Local Government of a discretion vested in it by law or rule.

(11) When a petition is an appeal in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for appeal has been exceeded.

(12) When a petition is an appeal against an order or decision of the Local Government, and is made more than six months after the communication of such order or decision to the petitioner, without satisfactory explanation of the delay.

(13) When a petition relates to a subject on which the Local Government is competent to pass orders, and no previous application for redress has been made to the Local Government.

(14) When a petition makes a proposal regarding legislation which the Local Government is not prepared to support.

12. If a petition is withheld, the petitioner should be informed of the fact and the reason for it.

13. A list of petitions withheld under Rule 11, with the reasons for withholding them, shall be forwarded quarterly to the Government of India in the proper department.

Pages 1 and 2 of the Supplement to the *Fort St. George Gazette*, 31-1-05, and pages 598 and 599 of Part I of the *Fort St. George Gazette*, 8-8-05.

B.P., No. 272, 25-10-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Pages 679 to 681—Appendix XVI to S.O. No. 172, paragraph 12:

Substitute the following *for* the Appendix :—

APPENDIX XVI.

Rules regarding the submission of memorials and other papers of the same class to His Majesty the King, Emperor of India, or to the Right Honourable the Secretary of State for India.

N.B.—These rules do not in any way affect or supersede orders issued on the same subject by the military authorities for the guidance of the army.

I. No memorial will be received or attended to unless forwarded as hereinafter prescribed.

II. Every memorial should be accompanied by a letter requesting its transmission to the authority to which it is addressed.

III. Every memorial to His Majesty, or to the Secretary of State for India, should be presented through the Local Government having jurisdiction in respect of the subject-matter of the memorial. In cases where no Local Government is in a position to deal with the subject-matter of the memorial, it should be presented through the Local Government within whose jurisdiction the memorialist is or has last been residing or employed or, if there is no Local Government answering to these descriptions, then through the Government of India.

IV. Every memorial to His Majesty or to the Secretary of State for India presented through the Government of Madras or Bombay should be forwarded direct by the Local Government, with a full statement of facts and an expression of opinion, except in the case of a memorial which—

(*a*) relates to—

(i) any rule or standing order of the Government of India, or

(ii) any Legislative Proceeding of the Governor-General in Council, or to an Act to which the Governor-General has assented, or

(iii) a case which has been previously under the consideration of the Government of India, whether on appeal or otherwise, or

(*b*) if granted, would cause expenditure for which the Imperial and not the Local Government would be primarily responsible.

Every such memorial should be forwarded with a covering letter containing a full statement of facts, and an expression of opinion to the Government of India in the proper department for transmission to the Secretary of State * for India.

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* "In the case of memorials and petitions against, or regarding Acts passed by the Legislative Council of the Governor-General, the Legislative Department is to be considered to be the department having cognizance of the subject-matter of the memorial. Such memorials will be transmitted to His Majesty's Secretary of State through that department; and to it should be referred all memorials of the kind now described, which may reach any other department of the Government of India. The Legislative Department will, when necessary, consult the executive department concerned before disposing of, or transmitting, such memorials."—Home Department No. 22—926-1001, Public, dated 24th May 1878.

Memorials involving questions relating to pensions, gratuities, allowances, and the like should be forwarded through the Government of India.—Home Department Notification No. 5153, dated 10th September 1901.

V. Every memorial to His Majesty, or to the Secretary of State for India, presented through a Local Government, other than the Government of Madras or Bombay, should be forwarded by the Local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper department for transmission to the authority addressed.*

VI. Every memorial to His Majesty, or to the Secretary of State for India, from a person who has been employed in the army should, if it relates to a military subject, be forwarded through the Lieutenant-General Commanding the Forces of the Command in which the memorialist has served. The Lieutenant-General will forward it, with a full statement of facts and an expression of opinion, to the Government of India in the Military Department for transmission to the authority addressed.†

VII. No limit is fixed to the time within which an appeal from an order of the Governments in India must be preferred to the Home Government, except in the case of an appeal from a judicial decision in which the Judge is a Political officer, and in which the appeal ordinarily lies to Government in the Political Department. Such appeals must be preferred within a period of twelve months from the date of communication to the person concerned of the order to which objection is taken.

VIII. A memorial may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the memorialist on each sheet, and must conclude with a specific prayer.

IX. Memorials, together with their accompanying documents, should be in English.‡ If the accompanying documents must necessarily be forwarded in the Vernacular, an English translation should be appended, which should be attested by the signature of the memorialist.

N.B.—It will be well for the transmitting office to examine such translations, and if they are found to be incorrect or faulty, to notice the fact in sending on the memorial.

X. It is not necessary that memorials should be forwarded in duplicate or triplicate. The originals will invariably be transmitted to England, a copy being made and retained by the Government of India, if necessary, for record.

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* Appeals by private persons from the orders of the Lieutenant-Governors lie, in the first instance, to the Governor-General in Council. An appeal to the Secretary of State will lie only in the event of an appeal to the Governor-General in Council having been rejected.

† Appeals by individuals from the orders of the Lieutenant-General Commanding the Forces lie in the first instance to the Governor-General in Council and thereafter to the Secretary of State.

‡ "As it frequently happens that the disposal of vernacular petitions presented to the Government of India is delayed owing to their being unaccompanied by English translations, and as Local Governments and Administrations have greater facilities for translating the vernaculars in use under their different provinces than the Government of India have, I am directed to request that in order to avoid inconvenience and delay, all vernacular petitions transmitted by a Local Government and Administration to the Government of India may invariably be accompanied by an English translation."

2. "It should, however, be clearly understood that it is not the intention of the Governor-General in Council that any petition presented for transmission to the Government of India or the Secretary of State should be refused by reason of its being in the vernacular, or because it is unaccompanied by a translation. The great majority of the population do not know English, and cannot obtain the services of an English petition-writer; and it is most undesirable that in a country like India the free right of petition should be curtailed. But as the languages of India are many and diverse, it is desirable that any vernacular petition or memorial forwarded to supreme authority by or through a Local Government should be accompanied by an English translation."—[Home Department, No. 54—2086-95 (Public), dated 21st November 1878.]

XI. As a general rule, the transmission to England of a memorial, duly forwarded through the proper channel, should not be delayed by the transmitting Government in India, beyond a month after the receipt of the memorial.

XII. The Governments in India are vested with discretionary power to withhold the transmission of memorials addressed to His Majesty, or to the Secretary of State for India, in the following cases :—

(1) When a memorial is illegible or unintelligible.

(2) When a memorial contains disrespectful or improper language.

(3) When a second memorial is presented after a decision has already been given by the authority to which it is addressed, and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to His Majesty by a person whose appeal to the Secretary of State for India has already been rejected, shall be held to be a second memorial to the same authority, and shall not be transmitted.

(4) When a memorial is a mere application for pecuniary assistance by a person manifestly possessing no claim.

(5) When a memorial is an application for employment under one of the Governments in India from a person not in the service of the Government, or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government, or by persons engaging in any profession or employment.

(6) When a memorial is a mere appeal from a judicial decision.

Note.—(1) If the memorial is practically an appeal for mercy or pardon, or contains such an appeal, it must be transmitted, unless it falls under rule XIII.

(2) When a memorial of the kind referred to in Note 1 is addressed to His Majesty, or to the Secretary of State for India, after a previous petition has been rejected by the Government of India or the Local Government, the memorial must be transmitted, unless the case is one of which the Local Government is competent to dispose on its own responsibility, under the orders contained in the Resolution of the Government of India in the Home Department, No. $\frac{7}{1161\text{-}72}$, dated the 15th August 1890.

(7) * When a memorial is an appeal against an order of a Local Government regarding the dismissal, removal, reduction or other punishment of a Government servant, or an employé of a local authority, whose salary was not more than Rs. 100 a

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* "The Governor-General in Council considers that the discretionary power of withholding petitions under clause 8, Rule XIII ‡ of the Rules for the submission, receipt, and transmission of memorials and other papers of the same class addressed to His Majesty the King, Emperor of India, or to the Right Honourable the Secretary of State for India, by private persons or by officers of all Civil Departments, should be used with caution, and only after full consideration of the facts in each case. Having regard to the constitution and character of the Indian subordinate services, dismissal of Government officials often involves serious distress, if not actual ruin, to them, and it is right that, under such circumstances, every opportunity should be allowed to them of making themselves heard. Further, when, as sometimes happens, their representations reach the Secretary of State through non-official channels, it is convenient that he should be in a position at once to deal with them, instead of being obliged, as may now be the case, to refer for information to this country. Such petitions, therefore, should not be withheld when there is any reasonable prospect of difference of opinion as to the order passed on them by the Government of India, or when they contain anything to which the attention of the Secretary of State is likely to be especially directed."—Home Department Resolution No. 1438 (Public), dated 24th September 1880.

‡ Since renumbered clause 7, rule XII.

month; or when it is an appeal against a similar order of a Local Government confirmed by the Government of India from a Government servant, or an employé of a local authority, whose salary was not more than Rs. 250 a month.

Note.—The first sentence in this clause applies to the orders of the Government of India, as well as to those of Local Governments.

(8) When a memorial is an appeal against a decision, which by any law or rule having the force of law, is declared to be final.

(9) When a memorial is addressed by an officer still in the public service, and has reference to his prospective claim to pension.

(10) When a memorial is a mere appeal against the non-exercise by one of the Governments in India of a discretion vested in such Government by law or rule.

(11) When a memorial is an appeal against the action of a private individual, or of a body of private individuals, regarding the private relations of the memorialist and such individual or body.

(12) When a memorial is an appeal against orders refusing the grant of a pension to an inferior servant who is not eligible for such grant under the pension rules.

XIII. The Government of India may withhold the transmission of a memorial to His Majesty or to the Secretary of State for India, unless the memorialist has previously memorialised the Government of India and the Local Government concerned on the same subject: provided that, when the memorial is one for pardon which no authority in India has power to grant, it should be addressed to His Majesty and forwarded to the Secretary of State for India.

XIV. When a memorial is withheld, the memorialist should be informed of the fact, and of the reason for it.

XV. A list of memorials withheld under the discretionary power conferred by Rule XII, with the reasons for withholding them, will be forwarded quarterly to the Government of India in the case of memorials withheld by Local Governments under the same discretionary power, and by the Government of India in the department concerned to the Secretary of State for India.

Pages 2 to 4 of the Supplement to the *Fort St. George Gazette*, 31-1-05.
B.P., No. 272, 25-10-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 758—S.O. No. 197, paragraph 4 (as amended by Slip No. 2 of 1904):

At the end of the paragraph *add*—

" Reports regarding real property liable to escheat should be submitted to the Board in the form given in Appendix II-A."

B.P., No. 328, 23-12-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

Page 820—S.O. No. 213, paragraph 6 (1):

Substitute the following *for* clause (*c*) :—

"(*c*) The Court's sanction is necessary for the assignment or sale of the occupancy right (1) in homefarm or *pannai* lands and (2) in any land free of rent or at a favourable rent."

C.P., No. 89, 13-10-05.

[1900 Edn.] [4th quarter 1905—January 1906.]

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